IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Crl.MC.No. 4030 of 2006()

CC.14/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA

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PETITIONER: ACCUSED

K.C.NINAN @ ROY, S/O. CHERIAN,
PROPRIETOR, NATIONAL PRESS,
PALLIKKARA MURI.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JOHNY THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. M.C.JOHN, S/O. M.C.CHERIAN,
MUTTASSERIL HOUSE, NADUVILE MURI,
NEDUMPURAM VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
OFFICE OF ADVOCATE GENERAL, HIGH COURT BUILDING,
ERNAKULAM.

BY ADV. SRI.BRIJESH MOHAN
PUBLIC PROSECUTOR SMT.LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4030 of 2006

Dated this the 24th day of January, 2007

ORDER

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I Act. The verdict of guilty and sentence has now become final. The petitioner faces a sentence of imprisonment till rising of court. There is a further direction to pay an amount of Rs.6.25 lakhs as compensation to the complainant and in default to undergo S.I for a period of 3 months.

2. The petitioner has come to this Court with a prayer that the matter having been settled between the parties and the amount of Rs.6.25 lakhs having already been paid to the complainant, the default sentence may not be enforced against him.

3. The direction is to pay compensation and not fine. The specific direction is to pay the amount and not to deposit the amount. In these circumstances, if the petitioner satisfies the learned Magistrate by making a joint application along with the complainant, that the amount of Rs.6.25 lakhs has been paid as compensation as directed, there can be no question of the default sentence being executed against the petitioner. The petitioner need only appear before the learned Magistrate along with the complainant and satisfy the learned Magistrate that the compensation amount has already been paid.

4. With these observations, this Crl.M.C is, dismissed.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-